

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF DESIGNATING THE  
EASTERN SNAKE PLAIN AQUIFER  
GROUND WATER MANAGEMENT AREA

Docket No. AA-GWMA-2016-001

**ORDER ESTABLISHING  
BRIEFING DEADLINES**

**BACKGROUND**

On November 4, 2016, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued an *Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area* (“ESPA GWMA Order”). On November 16, 2016, the City of Pocatello (“Pocatello”), the Coalition of Cities,<sup>1</sup> and Sun Valley Company (“SVC”) each filed petitions for reconsideration of the ESPA GWMA Order. SVC also filed a *Petition Requesting a Hearing on Order Designating the Eastern Snake Plain Aquifer Ground Water Management Area*.

On December 2, 2016, the Director issued an *Order Granting Request for Hearing; Notice of Pre-Hearing Conference*, granting SVC’s request for hearing and scheduling a prehearing conference for January 12, 2017.<sup>2</sup>

At the prehearing conference, the parties and Director agreed that the prehearing conference should be continued to March 22, 2017. The parties and Director also agreed that proceedings in this matter should be stayed until March 22, 2017, except that the Director would extend the time for filing petitions to intervene to March 22, 2017, and would accept and potentially address such petitions during the stay. Consistent with these agreements, the Director issued a *Notice of Continued Pre-Hearing Conference; Order Staying Proceedings Except Intervention* on January 17, 2017.<sup>3</sup>

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<sup>1</sup> The cities participating as the Coalition of Cities in this matter are Bliss, Buhl, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, and Wendell.

<sup>2</sup> Timely petitions to intervene were filed by the Idaho Ground Water Appropriators, Inc.; the Surface Water Coalition; Pocatello; the Coalition of Cities; McCain Foods USA, Inc.; the Basin 33 Water Users; the South Valley Ground Water District, the City of Hailey, the Big Wood and Little Wood Water Users Association, and the Water District 37-B Ground Water Association. The Director issued orders granting these petitions to intervene.

<sup>3</sup> Clear Springs Foods, Inc. and Idaho Power Company filed timely petitions to intervene on February 28, 2017. The Director issued an order granting these petitions to intervene.

On March 20, 2017, SVC filed a *Notice of Withdrawal of Request for Hearing*.

On March 22, 2017, the Director held the continued prehearing conference. All parties were present except SVC. The Director inquired of the parties whether he should proceed to hold a hearing on the ESPA GWMA Order given SVC's withdrawal of its request for hearing. The parties and Director reached no conclusion regarding the issue. For reasons stated on the record, the parties and the Director agreed the prehearing conference should be continued to April 20, 2017. The Director also agreed to extend the time for filing petitions to intervene to April 20, 2017. Consistent with these agreements, the Director issued an *Order Extending Deadline for Petitions to Intervene; Notice of Continued Prehearing Conference* on March 30, 2017.<sup>4</sup>

On April 14, 2017, Pocatello filed with the Department the *City of Pocatello's Memorandum Regarding Procedural Posture; In the Alternative, Request for Hearing* ("Memo"). Pocatello requests the Director "re-issue or otherwise withdraw the [ESPA GWMA Order] or permit Pocatello proceed to hearing in this contested case" or grant Pocatello's new request for hearing on the ESPA GWMA Order pursuant to Idaho Code § 42-17010A(3). *Memo* at 8.

On April 17, 2017, the Coalition of Cities filed a joinder in Pocatello's Memo and an independent petition for hearing pursuant to Idaho Code § 42-17010A(3). On April 18, 2017, the Basin 33 Water Users also filed a joinder in Pocatello's Memo and an independent petition for hearing pursuant to Idaho Code § 42-17010A(3). On April 18, 2017, the Surface Water Coalition filed its response to Pocatello's Memo and to the Coalition of Cities' joinder in the Memo and petition for hearing, asserting the Director should dismiss the contested case and deny Pocatello's and the Coalitions of Cities' requests for hearing.

On April 20, 2017, the Director held the continued prehearing conference. The Director discussed a briefing schedule with the parties to address the issue of whether the Director should proceed to hold a hearing on the ESPA GWMA Order. Based upon these discussions, the Director will set deadlines for submission of briefs to address the issue.

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<sup>4</sup> Fremont Madison Irrigation District, Madison Ground Water District, and Idaho Irrigation District filed a timely petition to intervene on March 23, 2017, which the Director granted.

## ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that:

- Parties must submit to the Department any briefs addressing the issue of whether the Director should proceed to hold a hearing on the ESPA GWMA Order by **May 4, 2017**.
- Parties must submit any response briefs to the Department by **May 18, 2017**.

DATED this 24<sup>th</sup> day of April 2017.



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GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 24<sup>th</sup> day of April 2017, the above and foregoing was served on the following by the method(s) indicated below:

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